

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**CARLOS PETERSON,**

**Plaintiff,**

**8:12-cv-1873  
(GLS/CFH)**

**v.**

**NEW YORK STATE COURT OF  
APPEALS,**

**Defendant.**

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**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFF:**

Carlos Peterson  
Pro Se  
08-B-3052  
Clinton Correctional Facility  
P.O. Box 2002  
Dannemora, NY 12929

**FOR THE DEFENDANT**

**NO APPEARANCE<sup>1</sup>**

**Gary L. Sharpe  
Chief Judge**

**MEMORANDUM-DECISION AND ORDER**

**I. Introduction**

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<sup>1</sup> Service on the defendant has not yet been permitted as this case comes to the court as part of the preliminary review under 28 U.S.C. § 1915.

Plaintiff *pro se* Carlos Peterson brings this action under 42 U.S.C. § 1983, alleging his constitutional rights were violated by defendant New York State Court of Appeals. (See Compl., Dkt. No. 1.) In a Report-Recommendation and Order (R&R) filed December 27, 2012, Magistrate Judge Christian F. Hummel recommended that the Complaint be dismissed.<sup>2</sup> (See *generally* R&R, Dkt. No. 4.) Pending are Peterson's objections to the R&R. (See Dkt. No. 5.) For the reasons that follow, the R&R is adopted in its entirety.

## **II. Standard of Review**

Before entering final judgment, this court routinely reviews all report-recommendation and orders in cases it has referred to a magistrate judge. If a party has objected to specific elements of the magistrate judge's findings and recommendations, this court reviews those findings and recommendations *de novo*. See *Almonte v. N.Y. State Div. of Parole*, No. Civ. 904CV484GLS, 2006 WL 149049, at \*6-7 (N.D.N.Y. Jan. 18, 2006). Where no party has filed an objection, only vague or general objections are made, or a party resubmits the same papers and arguments already

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<sup>2</sup> The Clerk is directed to append the R&R to this decision, and familiarity therewith is presumed.

considered by the magistrate judge, this court reviews the findings and recommendations of the magistrate judge for clear error. See *id.*, at \*4-5.

### **III. Discussion**

Peterson's "objections" consist of statements expressing his dissatisfaction with the way in which the Court of Appeals reviews state convictions. (See Dkt. No. 5 at 1-2.) Noticeably absent from Peterson's submission is a reference to any errors in Judge Hummel's decision. (See *id.*) As such, Peterson's "objections" are insufficient to require a *de novo* review. Having found no clear error in the R&R, the court accepts and adopts Judge Hummel's R&R in its entirety.

### **IV. Conclusion**

**WHEREFORE**, for the foregoing reasons, it is hereby

**ORDERED** that Magistrate Judge Christian F. Hummel's December 27, 2012 Report-Recommendation and Order (Dkt. No. 4) is **ADOPTED** in its entirety; and it is further

**ORDERED** that Peterson's Complaint (Dkt. No. 1) is **DISMISSED**; and it is further

**ORDERED** that the Clerk close this case; and it is further

**ORDERED** that the Clerk provide a copy of this Memorandum-

Decision and Order to the parties by mail and certified mail.

**IT IS SO ORDERED.**

February 25, 2013  
Albany, New York

  
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Gary L. Sharpe  
Chief Judge  
U.S. District Court